



Arizona Peace Officer Standards and Training Board

2643 East University Drive Phoenix, Arizona 85034-6914 Phone (602) 223-2514 Fax (602- 244-0477

Minutes of Meeting November 15, 2017

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on November 15, 2017, at the Arizona Peace Officer Standards and Training Board, located at 2643 E. University Drive, Phoenix, AZ.

Members Present:

Sheriff Scott Mascher, Yavapai County Sheriff's Office, Chairman
Assistant Attorney General Paul Ahler, representing Attorney General Mark Brnovich
Sergeant Chris Andreacola, Tucson Police Department
Sergeant Leo Aparicio, Pinal County Sheriff's Office
Sheriff Mark Dannels, Cochise County Sheriff's Office
Chief Byron Gwaltney, Pima County Sheriff's Department
Deputy Director Greg Lauchner, representing Director Charles Ryan, AZ Department of Corrections
Colonel Frank Milstead, Arizona Department of Public Safety
Chief Alan Rodbell, Scottsdale Police Department

Members Absent:

Chief Lawrence Hall, Buckeye Police Department
Mr. Andrew LeFevre, Grand Canyon University
Ms. Paula Veach, Public Member
Mr. Richard Wooten, Public Member

Staff in Attendance:

Jack G. Lane, Executive Director
Ted Brandon, Compliance Specialist
Billy Caldwell, Compliance Specialist
Mike Deltenre, Compliance Specialist
Cathy Hawse, Compliance Specialist
Arlene Heckel, Compliance Specialist
Mike Orose, Compliance Specialist
Mark Perkovich, Program Administrator
Cynthia Sawyer, Training Compliance Specialist
Sandy Sierra, Administrative Services Officer
Lori Wait, Compliance Specialist

Assistant Attorneys General:

Michael Saltz
Seth Hargraves
Michael Raine

A. Call to Order

Chairman Mascher called the meeting to order at 10:00 a.m. and asked Sheriff Dannels to lead everyone in reciting the Pledge of Allegiance.

B. Introductions, Presentations and Announcements

Jack G. Lane, Executive Director

- Two new Board members have been appointed, filling the public member positions. Ms. Paula Veach and Mr. Richard Wooten. Unfortunately neither could be at today's meeting.
- The Western Regional POST directors and academy directors are in Phoenix this week. Representatives from Alaska, Idaho, Montana, Oregon, Washington, California, Nevada, Colorado and Guam are in attendance and some are attending today's meeting.
- Assistant Attorney General Michael Raine will provide legal advice to the Board today on the Walker Morgan case.
- New cases #9-13 will be moved to the beginning of the new case presentations

C. Consent Agenda

Colonel Milstead made a motion to accept the Consent Agenda. The motion was seconded by Sheriff Dannels and passed unanimously.

1. Minutes of the Board meeting held on September 20, 2017, were approved as written.
Minutes of the Board meeting held on October 18, 2017, were approved as written.
2. Ministerial Actions:
 - a. Certification Waivers:

Shawn K. Dugan	Cochise County Sheriff's Office
Gregory C. Burke	AZ Department of Public Safety
Colby T. Carter	AZ Department of Public Safety
Theodore S. Mellas	AZ Department of Public Safety
William D. Gray	Quartzsite Police Department
Darius A. Alexander	Peoria Police Department
Kyle Trouton	Peoria Police Department
Dustin L. Zamboni	Salt River Pima-Maricopa Indian Community PD
Bill K. Burns Jr.	Prescott Valley Police Department
David G. Farrow	Peoria Police Department

3. Income and Expense Statement – September 2017

Funds as of September 1, 2017	\$1,248,009.11
CJEF Revenue (September 2017)	442,579.21
Misc. Revenue (September 2017)	21.64
Expenditures for September 2017	(259,371.05)
Balance as of September 30, 2017	\$1,431,238.91

4. Consent Agreements for Voluntary Relinquishment of Peace Officer Certification for the following:

Stafford Begay	17-118	Page Police Department
Glenn B. Koehler	17-124	Glendale Police Department
Vance L. Lunt	17-107	Chandler Police Department
Jason E. McFadden	16-155	Phoenix Police Department
Jamie L. Nehrenz	17-076	Mesa Police Department
Ann M. Richey	15-143	Page Police Department
Jordan M. Rodriguez	17-131	ASU Police Department

D. Executive Director’s Report

Jack G. Lane, Executive Director

- Chief Rodbell is the chairman of the Budget Subcommittee. They will work on scheduling a meeting for the Subcommittee to meet within the next two weeks.
- Will be attending the Sheriff’s Association Meeting this afternoon and tomorrow will attend the West Valley Chief’s Meeting.
- Two new Compliance Specialist have been hired to fill critical vacancy needs. Arlene Heckel comes to us from the Mesa Police Department with 30 years of experience and Mike Orose comes to us from the Department of Public Safety where he retired as a commander with over 30 years of experience.

E. Legislative Update

Jack G. Lane, Executive Director

There is nothing new to report.

F. Summary of Current Events

Jack G. Lane, Executive Director

Reminder to the Board that after the December meeting we will hold our annual Christmas luncheon and also a retirement celebration for Ted Brandon.

G. Review, Discussion and Possible Action on a Petition from the Arizona Corporation Commission – Securities Division for a Restricted Peace Officer Certification for Applicant Alex M. Ramirez III

The Arizona Corporation Commission petitioned the Board to grant a restricted peace officer certification to Alex M. Ramirez based upon medical limitations. Officer Ramirez will be restricted from being carrying a weapon on duty and he will not place himself or be placed in a situation which would expose him to the risk of physical confrontation. The restricted certification is only effective while Officer Ramirez is employed with the Arizona Corporation Commission.

Sheriff Dannels made a motion to go into executive session to receive legal advice from Assistant Attorney General Michael Saltz. The motion was seconded by Chief Rodbell and passed unanimously.

The Board went into Executive Session at 10:11 a.m. and the Open Meeting reconvened at 10:19 a.m.

Colonel Milstead made a motion to table this matter to allow for further investigation by AZ POST Staff. The motion was seconded by Chief Gwaltney and passed unanimously.

H. Reports – Department of Corrections

Deputy Director Greg Lauchner

- Since the last regular meeting of September 2017, 78 cadets have graduated from COTA. There are 827 vacancies statewide. Eight cadets have graduated through county and tribal detention IGAs. A canine academy began October 30, 2017.

Reports – In-Service Training

Training Program Administrator Don Yennie

- Since the last regular meeting of September 2017, ALP class #22 graduated. This brings the total number of ALP graduates to 1,511 so far.
- Numerous classes have been held with a total 498 officers receiving training.
- Subject Matter Expert (SMEs) meetings have also been held; the goal is to meet at least once a year with each SME committee.
- The APRAIS Domestic Violence Training under the Arizona Multi-Agency/Stakeholder APRAIS Train-The-Trainer Conference Memorandum of Understanding has concluded location production.
- Production is underway with Gila River Indian Community and Police Department for the GRICPD short video presentation that is part of the Law Enforcement in Indian Country 2016.
- The production of the AZCJC Arizona Youth Survey (AYS) marketing program is in the editing phase.
- Legal Update 2017 was completed in September.
- The ShareFile system has numerous training videos available for viewing.
- Working on a Critical Incident Training video which will be available in 2018.

I. Final Action Cases:1. 17-046 – Walker S. Morgan – Pinal County Sheriff's Office

The Board heard oral argument on the Administrative Law Judge's (ALJ) Decision from Assistant Attorney General Seth Hargraves, attorney for the Arizona Peace Officers Standards and Training Board. Mr. Morgan was not present.

Chief Gwaltney made a motion to accept the ALJ's Findings of Fact and Conclusions of Law and deny peace officer certification to Mr. Morgan. The motion was seconded by Chief Rodbell and passed unanimously.

2. #17-021 – Raymond A. Gomez – Avondale Police Department

The Board considered comments from Compliance Manager Mark Perkovich. Colonel Milstead made a motion to accept the Findings of Fact and Conclusions of Law and deny peace officer certification to Mr. Gomez. The motion was seconded by Sergeant Aparicio and passed unanimously.

3. #17-067 – Brittney J. Martin – Lake Havasu City Police Department

The Board considered comments from Compliance Manager Mark Perkovich. Chief Rodbell made a motion to accept the Findings of Fact and Conclusions of Law and deny peace officer certification to Ms. Martin. The motion was seconded by Colonel Milstead and passed unanimously.

4. #17-075 – Alejandro Mendez – Glendale Police Department

The Board considered comments from Compliance Manager Mark Perkovich. Sheriff Dannels made a motion to accept the Findings of Fact and Conclusions of Law and deny peace officer certification to Mr. Mendez. The motion was seconded by Chief Rodbell and passed unanimously.

5. #15-151 – Sylvester R. Thornton – Scottsdale Police Department

Chief Rodbell recused himself from this case. The Board considered comments from Compliance Manager Mark Perkovich. Colonel Milstead made a motion to accept the Findings of Fact and Conclusions of Law and suspend Mr. Thornton's peace officer certification from November 15, 2017, to November 15, 2018. The motion was seconded by Mr. Ahler and passed unanimously.

J. New Charging Cases:1. #17-139 – Shannon R. Johnson – Navajo Division of Public Safety

The Board considered comments from Compliance Specialist Ted Brandon. Mr. Ahler (AAG) made a motion to close this case with ***No Action with Agency Discretion***. The motion was seconded by Chief Gwaltney and passed unanimously.

2. #17-125 – Virgil Martin – Navajo Division of Public Safety
The Board considered comments from Compliance Specialist Ted Brandon. Sheriff Dannels made a motion to **Initiate Proceedings** against Mr. Martin's peace officer certification. The motion was seconded by Sergeant Aparicio and passed unanimously.
3. #17-128 – Michael Peshlakai – Navajo Division of Public Safety
The Board considered comments from Compliance Specialist Ted Brandon. Chief Rodbell made a motion to **Initiate Proceedings** against Mr. Peshlakai's peace officer certification. The motion was seconded by Mr. Ahler (AAG) and passed unanimously.
4. #17-095 – Houston Aday – San Carlos Recreation and Wildlife
The Board considered comments from Compliance Specialist Billy Caldwell. Chief Rodbell made a motion to **Initiate Proceedings**. The motion was seconded by Mr. Ahler (AAG) and failed by a 4-5 vote. Nay votes were recorded for Chief Gwaltney, Sergeant Aparicio, Sergeant Andreacola, Colonel Milstead and Chairman Mascher. Sergeant Aparicio made a motion to close this case with **No Action with Agency Discretion**. The motion was seconded by Chief Gwaltney and passed by a 5-4 vote. Nay votes were recorded for Chief Rodbell, Mr. Ahler (AAG), Deputy Director Lauchner and Sheriff Dannels. A very lengthy discussion ensued regarding DUIs, with or without aggravating factors, and the Board's history of dealing with this issue.
5. #17-137 – Gregory T. Theobald – Mesa Police Department
The Board considered comments from Compliance Specialist Billy Caldwell. Chief Rodbell made a motion to close this case with **No Action with Agency Discretion**. The motion was seconded by Sheriff Dannels and passed unanimously.
6. #17-098 – Garrett A. Dever – Chandler Police Department
Sheriff Dannels recused himself from this case. The Board considered comments from Compliance Specialist Steve Jacobs. Sergeant Aparicio made a motion to **Initiate Proceedings** against Mr. Dever's peace officer certification. The motion was seconded by Chief Gwaltney and passed unanimously.
7. #17-119 – David M. Ramirez – Fort Mojave Tribal Police Department
The Board considered comments from Compliance Specialist Steve Jacobs. Mr. Ahler (AAG) made a motion to **Initiate Proceedings** to deny peace officer certification to Mr. Ramirez. The motion was seconded by Sergeant Andreacola and passed unanimously.
8. #17-102 – Nancy Talamante – Phoenix Police Department
The Board considered comments from Compliance Specialist Steve Jacobs. Colonel Milstead made a motion to **Initiate Proceedings** to deny peace officer certification to Ms. Talamante. The motion was seconded by Sergeant Aparicio and passed unanimously.

Cases 9-13 were taken out of order and presented first.

9. #16-080 – Scott B. Duncan – El Mirage Police Department
The Board considered comments from Compliance Specialist Lori Wait. Chief Rodbell made a motion to ***Initiate Proceedings*** against Mr. Duncan's peace officer certification. The motion was seconded by Sheriff Dannels and passed unanimously.
10. #16-107 – Jonathan D. Kemp – Peoria Police Department
The Board considered comments from Compliance Specialist Lori Wait. Mr. Ahler (AAG) made a motion to ***Initiate Proceedings*** against Mr. Kemp's peace officer certification. The motion was seconded by Sergeant Aparicio and passed unanimously.
11. #16-095 – William McVey – Maricopa County Attorney's Office
Deputy Director Lauchner recused himself from this case. The Board considered comments from Compliance Specialist Lori Wait. Chief Rodbell made a motion to ***Initiate Proceedings*** against Mr. McVey's peace officer certification. The motion was seconded by Sergeant Aparicio and passed unanimously.
12. #15-136 – Edward S. Perez – Tohono O'odham Nation Police Department
The Board considered comments from Compliance Specialist Lori Wait. Sheriff Dannels made a motion to ***Initiate Proceedings*** against Mr. Perez's peace officer certification. The motion was seconded by Mr. Ahler (AAG) and passed unanimously.
13. #16-096 – Dallas P. Ragan – Maricopa County Attorney's Office
Deputy Director Lauchner recused himself from this case. The Board considered comments from Compliance Specialist Lori Wait. Chief Rodbell made a motion to ***Initiate Proceedings*** against Mr. Ragan's peace officer certification. The motion was seconded by Colonel Milstead and passed with one nay vote recorded for Sheriff Dannels.

K. Call to the Public

Donald Carroll addressed the Board to discuss his case; which the Board initiated proceedings on in September. Since the Board is not able to discuss or take any action on matters presented during the call to the public, it was determined that Mr. Carroll's concerns should be addressed when the case is presented for final action.

Attorney Steven Serbalik addressed the Board to ask that it reconsider its decision to initiate proceedings when a DUI case is presented and the agency has already issued discipline to the officer and there are no aggravating factors.

L. Future Agenda Items

The discussion on DUIs will be added to a future agenda item to determine what needs to be done to ensure consistency in dealing with cases that come before the Board.

M. Adjournment

The meeting was adjourned at 11:36 a.m.